REMARKS

Claims 1, 2, 5, 6, 8, 11, 13, 15-17, 21, 22, 27, 28, 30, 50 and 51 are pending in the instant application. Claims 1, 2, 5, 6, 8, 11, 13, 15-17, 21, 22, 27, 28, 30, 50 and 51 have been rejected. Claim 1 has been amended in accordance with teachings at pages 87 and 88 of the instant specification. New claim 77 has been added. No new matter is added by these amendments. Reconsideration is respectfully requested in light of the amendments and the following remarks.

Rejection of Claims under 35 U.S.C. 102(b) and 103(a)

The rejection of claims 1-2, 5-6, 8, 11, 15-17 and 21-22 under 35 U.S.C. 102(b) as being anticipated by Keolsch et al. (WO 98/22597) has been maintained.

The rejection of claims 1-2, 5-6, 8, 11, 13, 15-17, 21-22, 27-28, 30 and 50-51 under 35 U.S.C. 103(a) as being unpatentable over Keolsch et al. (WO 98/22597) in view of Devaux et al. (U.S. Patent 6,824,780) has also been maintained.

The Examiner suggests that the antibodies of Keolsch et al. would compete for the same epitopes recognized by the antibodies having ATCC accession numbers PTA-5878, PTA-5879, PTA-6146, PTA-6147 and PTA-6629 and would necessarily have the recited binding properties of claims 6, 15-17 and 21-22. The Examiner suggests that one of ordinary skill in the art would reasonably conclude

that the Keolsch et al. antibodies would possess the same structural and functional properties as those of antibodies that are identical to the claimed antibodies.

Applicants respectfully disagree.

"No doctrine of patent law is better established than that a prior patent or other publication to be an anticipation must bear within its four corners adequate directions for the practice of the patent invalidated." Deway & Almay Chem. Co. v. Mimex Co., 124 F.2d 986, 989, 52 USPQ 138, 142 (2d Cir. 1942). What was settled decades ago is still the law today. See Amgen, 314 F.3d at 1354, 65 USPQ2d at 1416. ("A claimed invention cannot be anticipated by a prior art reference if the allegedly anticipatory disclosure cited as prior art are not enabled.")

In an earnest effort to advance the prosecution of this case, and in accordance with teachings in the specification at pages 87 and 88, Applicants have amended claim 1 to recite that the competing antibody specifically binds Lng105 and Lng105 comprises amino acids 20-413 of SEQ ID NO:1 or amino acids 26-421 of SEQ ID NO:2. Further, Applicants have added new claim 77 drawn to an antibody produced by a hybridoma of American Type Culture Collection accession number PTA-5878, PTA-5879, PTA-6146, PTA-6147 and PTA-6629.

As evidenced by data presented in Example 1 of the

specification beginning at page 86, antibodies generated by immunization with these Lng105 sequences are highly specific for Lng105 and demonstrate excellent sensitivity for detection Lng105.

In contrast, the only antibody actually exemplified by Keolsch et al. is polyclonal antiserum raised against an epitope common to both napsin A and B. General teachings in Keolsch et al. regarding producing an antibody with purified protein are in now way enabling for production of antibodies which specifically bind Lng105 and Lng105 comprises amino acids 20-413 of SEQ ID NO:1 or amino acids 26-421 of SEQ ID NO:2. Nor is this claim limitation taught by Keolsch et al. as required by MPEP 2131 to be an anticipating reference.

Teachings of Devaux et al. fail to remedy deficiencies in Keolsch et al. as this reference is also unrelated to the claimed Lng105 antibodies.

Thus, the cited combination of references also fails to teach or suggest all claim limitations as required to establish a prima facie case of obviousness.

Accordingly, withdrawal of these rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103 is respectfully requested.

Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

Kathleen A. Tyrrell
Registration No. 38,350

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LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, NJ 08053
ktyrrell@licataandtyrrell.com
856-810-1515